



DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF UNDERGROUND STORAGE TANKS
4TH FLOOR, L & C TOWER, 401 CHURCH STREET
NASHVILLE, TENNESSEE 37243-1541

July 1, 2011

RE: Red Tagging of Fill Ports/UST Delivery Prohibition Process

Dear Owners of and Distributors to Petroleum Underground Storage Tanks:

On July 1, 2004, red tag authority was added to the Petroleum Underground Storage Tank Act (TN UST Act). The federal Energy Policy Act of 2005 also required states to have a delivery prohibition program, consequently; the Division of Underground Storage Tanks developed and implemented a process to comply with the laws. On July 1, 2008, amendments to the TN UST Act simplified whether or not fuel could be placed into an UST by:

- Eliminating the annual certificate
- Switching to the use of a receipt that was not tied to fuel delivery and
- Tying fuel delivery to the presence or absence of a red tag and listing on the Division's web site.

The Division continued to red tag (affix a red tag to each fill port) all USTs at a facility for failure to pay annual tank fees, associated late penalties, and for violations that result in a Final Order. Please be advised T.C.A. § 68-215-106(c) states:

“(c) For any petroleum underground storage tank for which any annual fees or penalties have not been paid when due or that is in violation of requirements of the rules as evidenced by an order issued pursuant to this part that has become final, the commissioner may take one or more of the following actions:

- (1) Affix a notice to a dispenser;
- (2) Affix a tag to a fill port; or
- (3) Give notice on the department web site.

(d) Removal of such tag or notice shall be a Class C misdemeanor.

(e) It is unlawful for any person to place, or cause to be placed, petroleum substances in a petroleum underground storage tank or to dispense petroleum from a tank that has either had a physical notice or tag placed on the dispenser or fill port or has had a notice placed on the department web site pursuant to subsection (c)”

The Do Not Deliver list is posted at <http://www.state.tn.us/environment/ust/>, and authorization to remove red tag(s) will not be given until all corrections are complete. Please be advised, on May 11, 2010, T.C.A. § 68-215-114 was amended to provide the Commissioner ability to order permanent closure of tanks in certain circumstances where red tags have been affixed. The amendment can be seen at <http://state.tn.us/sos/acts/106/pub/pc0903.pdf> in Section 4.

Sincerely,

Stanley R. Boyd, Director

